



United States Courts for the Ninth Circuit

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NEWS RELEASE

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Government, Utilities to Argue Energy Refund Cases Before Court of Appeals

SAN DIEGO – The Ninth Circuit Court of Appeals will hold a special sitting in San Diego April 12-13 to hear appeals of decisions made by the Federal Energy Regulatory Commission (FERC) as a result of the California energy crisis in 2000-2001.

Oral arguments will be heard on April 12, beginning at 1:30 p.m., at the Edward J. Schwartz United States Courthouse, 880 Front St., San Diego. Oral arguments will continue on April 13, beginning at 9 a.m., at the University of San Diego's Joan B. Kroc Institute for Peace & Justice, 5998 Alcalá Park, San Diego.

The matters to be considered relate to FERC orders for refunds on energy sales made during the California energy crisis. Petitioners include energy buyers, purchasers and intermediary agents. Hundreds of petitions have been filed. The court has elected to initially consider three sets of issues in an effort to clarify key elements of the dispute.

The arguments will be heard by an appellate panel consisting of Circuit Judges Sidney R. Thomas of Billings, Mont., M. Margaret McKeown of San Diego, and Richard R. Clifton of Honolulu. Argument on April 12 will address whether FERC has jurisdiction under the Federal Power Act to order refunds from the Bonneville Power Administration of Portland, Ore., and certain municipal entities. Argument on April 13 will address whether: (1) FERC properly set the effective date for refunds to energy purchasers for electricity sales and (2) if certain sales of electricity were properly included or excluded from the Commission's refund plan.

Parties and interveners in the case include the State of California; the City of San Diego; Sempra Energy, which owns San Diego Gas & Electric and Southern California Gas; and many others.

The Ninth Circuit Court of Appeals regularly hears cases in San Francisco, Pasadena and Seattle, and also travels periodically to other cities within the circuit to hold court.

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